

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 103A.41, the Building Code Commissioner hereby gives Notice of Intended Action to amend Chapter 350, "State Historic Building Code," Iowa Administrative Code, with the approval of the State Historical Society Board of Trustees.

Iowa Code section 103A.41 authorizes and requires the Building Code Commissioner, with the approval of the State Historical Society Board of Trustees, to adopt the State Historic Building Code. The State Historic Building Code provides an "alternative" building code for qualified historical buildings that meet the requirements for inclusion in the National Register of Historic Places.

This Notice proposes to update references to the International Existing Building Code from the 2006 edition to the 2009 edition. The 2006 edition of the International Existing Building Code was adopted as the basis of the State Historic Building Code in 2006 and became effective on January 1, 2007. A separate Notice of Intended Action published herein as **ARC 8179B** proposes to update references to codes adopted by reference in the State Building Code to the latest editions of those codes, and the amendment proposed herein coordinates with the proposed update of the State Building Code.

A public hearing on this proposed amendment will be held on October 13, 2009, at 10 a.m. in the First Floor Public Conference Room, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. Persons may present their views concerning this amendment at the public hearing orally or in writing. Persons who wish to make oral presentations at the hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, Des Moines, Iowa 50319, by mail; or by telephone at (515)725-6185 at least one day prior to the hearing. Written comments may also be submitted by mail at the above address or electronic mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) by 4:30 p.m. on October 15, 2009.

This amendment is intended to implement Iowa Code sections 103A.41 to 103A.45.

The following amendment is proposed.

Amend subrule 350.1(3) as follows:

**350.1(3) Adoption.** The provisions of the International Existing Building Code, ~~2006~~ 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, are hereby adopted as the alternative requirements for rehabilitation, preservation, restoration, and relocation of historic buildings, with the following amendments:

~~Delete chapter 1.~~

~~Delete section 101.1.~~

~~Delete section 101.4.2 and insert in lieu thereof the following new section:~~

101.4.2 Buildings previously occupied. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code or the state fire code, or as deemed necessary by the building code commissioner for the general safety and welfare of the occupants and the public.

~~Delete section 101.5.4.~~

~~Delete section 101.5.4.1.~~

~~Delete section 101.5.4.2.~~

~~Delete section 101.7.~~

~~Delete sections 103, 104, and 105 and sections therein.~~

~~Delete sections 106.1, 106.3.1, 106.3.3, 106.5, and 106.6.~~

Delete sections 108, 109, 110, 112, 113, 114, 115, 116 and 117 and sections therein.

Delete the definition of “historic building.”

~~Delete section 503.3.1.~~

Delete section 605.

Delete section 706.

Delete section 806.

Delete section 912.8.

Delete appendix A, chapters A1 through A5, and appendix B.

Delete resource A.

Delete all references to the “International Fuel Gas Code” and insert in lieu thereof “rule 661—301.9(103A).”

Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

Delete all references to the “ICC Electrical Code” and insert in lieu thereof “National Electrical Code, ~~2005~~ 2008 edition as amended by rule 661—301.5(103A).”

EXCEPTION: A construction project subject to the provisions of this rule may comply with either the requirements adopted herein or the provisions of this rule as it was previously published if the project is commenced on or before March 31, 2010.

NOTE 1: International Existing Building Code, ~~2006~~ 2009 edition, Resource A, provides guidelines for evaluating fire ratings of archaic materials and assemblies which may be used by designers and code officials when evaluating compliance with provisions of this chapter.

NOTE 2: Except for elevators excluded from the jurisdiction of the Iowa division of labor services by the provisions of Iowa Code section 89A.2, each elevator is required to comply with any applicable requirements established by the Iowa division of labor services and is subject to enforcement of any applicable regulations by the Iowa division of labor services.

NOTE 3: Except for boilers and pressure vessels excluded from the jurisdiction of the Iowa division of labor services by the provisions of Iowa Code section 89.4, each boiler or pressure vessel is required to comply with any applicable requirements established by the Iowa division of labor services and is subject to enforcement of any applicable regulations by the Iowa division of labor services.

Any boiler which is subject to requirements established by the Iowa department of natural resources is required to comply with any such requirements and is subject to enforcement of any applicable regulations by the Iowa department of natural resources.